



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/266,780	03/12/1999	TADASHI NOGUCHI	041465-5061	6235

9629 7590 12/17/2003

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

EXAMINER

ONUAKU, CHRISTOPHER O

ART UNIT	PAPER NUMBER
----------	--------------

2615

DATE MAILED: 12/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/266,780

Applicant(s)
Noguchi et al

Examiner
Christopher O. Onuaku

Art Unit
2615

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Sep 15, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-12, 14-19, and 21-31 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10-12, 14-19, and 21-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 2615

DETAILED ACTION

Response to Arguments

1. Applicant's arguments with respect to claims 10-12,14-19&21-23 have been considered but are moot in view of the new ground(s) of rejection.

Furthermore, applicant argues that optical disk 100 is not used for recording.

In response, Hirayama clearly discloses that the apparatus of Fig.1 can record data after processing on the disk 100 of Fig (see col.5, line 63 to col.6, line 17).

Applicant argues that the applied references (Kameo and Hirayama) fail to teach or suggest recording information based on the reservation information.

In response, examiner refers the applicant to Kameo reference col.3, lines 19-51 wherein Kameo discloses wherein the VTR1 of Fig.3 has a function of performing a timer reservation recording of a television broadcasting program.

In addition, applicant argues that the applied references fail to teach or suggest reservation information copied from the recording apparatus.

In response, examiner refers the applicant to Fig.3 and program sheet 8 from which desired program information is read by bar code reader 7A; at least col.3, lines 42-48.

Art Unit: 2615

Claim Rejections - 35 U.S.C. § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 10-12,14-19&21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kameo et al (US 4,899,370) in view of Hirayama et al (US 6,128,434)

Regarding claim 10, Kameo et al teach a remote control apparatus for electronic equipment such a video tape recorder having a timer reservation function of recording video images and/or audio sounds of a program, which remote control apparatus causes the electronic

a) a reservation information area for storing a reservation information indicating a scheduled time for starting and stopping recording a television program on the recordable medium (Fig.3; reservation information stored in program content memory unit 10; col.3, line 19 to col.4, line 16);

b) a record information area for storing the television program recorded thereon based on the reservation information (see Fig.3, VTR 1; col.3, lines 19-51);

c) wherein the reservation information is an information copied from the recording apparatus (see Fig.3; program sheet 8 from which desired program information is read by bar code reader 7A; at least col.3, lines 42-48).

Art Unit: 2615

Kameo et al fail to explicitly disclose a recordable optical medium. Hirayama et al disclose a multilingual recording medium and a reproduction apparatus which can record information such as movie programs, Kara-OK programs, educational programs, and learning programs on a medium such as an optical disk, along with comments, subtitles, speeches and the like in various languages, such that any speech or subtitle (character data) is reproduced in the language selected, comprising a recording medium such as an optical disk 100 of Fig.1 and optical disk 10 of Fig.3A; col.5, lines 17-22 and col.7, lines 50-58). Furthermore, the apparatus of Fig.1 of Hirayama can record data (see col.5, line 63 to col.6, line 17).

It would have been obvious to modify Kameo by realizing Kameo with the optical recording medium of Hirayama, since this provides the desirable advantage of having large recording area, and as alternative recording means.

Regarding claim 11, Hirayama discloses wherein the recordable medium comprises a disc-shaped type recording medium (see Fig.1 and optical disk 100, col.5, lines 18-42).

Regarding claim 12, Hirayama discloses wherein the reservation information area is located at an inner-circumferential portion of the record information area (see management area of Fig.3A which is formed on the center (innermost) part of the optical disk 100; col.7, lines 50-58).

Art Unit: 2615

Regarding claim 14, the claimed limitations of claim 14 are accommodated in the discussions of claim 10 above

Kameo further teaches wherein the reservation information comprises at least a channel information, a start time for recording, a stop time for recording and a recording date to recording the television program (see col.3, lines 13-36).

Regarding claim 15, Kameo further discloses wherein the reservation information further comprises a telerecording (i.e., recording a television broadcast) mode information (see col.3, lines 13-36), here examiner reads the reservation information used in recording of a television broadcast program by using television program reservation information as taught in col.3, lines 13-36 as a telerecording mode information.

Regarding claim 16, Hirayama discloses wherein a plurality of information pieces is recordable in the record information area (see Fig.3B and the plurality of data units (DUT #0 to DUT #n); col.7, line 61 to col.8, line 17).

Regarding claim 17, the claimed limitations of claim 17 are accommodated in the discussions of claim 10 above.

Art Unit: 2615

Regarding claim 18, the claimed limitations of claim 18 are accommodated in the discussions of claim 11 above.

Regarding claim 19, the claimed limitations of claim 19 are accommodated in the discussions of claim 12 above.

Regarding claim 21, the claimed limitations of claim 21 are accommodated in the discussions of claim 14 above.

Regarding claim 22, the claimed limitations of claim 22 are accommodated in the discussions of claim 15 above.

Regarding claim 23, the claimed limitations of claim 23 are accommodated in the discussions of claim 16 above.

4. Claims 24-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kameo et al in view of Hirayama et al and further in view of Yuen et al (US 5,488,409).

Regarding claim 24, Kameo and Hirayama fail to explicitly disclose a history information recording area for storing a history information wherein the history information comprises a recording date and time and a recording position on the recordable medium.

Art Unit: 2615

Yuen teaches apparatus and methods for facilitating and automatic monitoring the management, storage and retrieval of programs on a cassette of magnetic tape comprising an indexing VCR using a hybrid indexing system that provides indexing of recorded programs. The indexing information includes recording date, time and address (position) of the recorded program recorded in the directory (history recording area of the RAM) in RAM 33 (see Fig.1,2&3; col.9, lines 27-32; col.9, line 48 to col.10, line 25

It would have been obvious to further modify Kameo by storing in Kameo a history information wherein the history information comprises a recording date and time and a recording position on the recordable medium, as taught by Yuen, in order to facilitate, for example, the accessing of the program during, for example, program reproducing process.

Regarding claim 25, Yuen further teaches wherein the history information is recorded on the history information recording area when recording of the record information is finished (see the retroactively indexed tape (RI tape) wherein the history information is recorded in the history information recording area (directory) when recording of the record information is finished; col.12, line 52 to col.13, line 6).

Regarding claim 26, the claimed limitations of claim 26 are accommodated in the discussions of claim 24 above.

Art Unit: 2615

Regarding claim 27, the claimed limitations of claim 27 are accommodated in the discussions of claim 25 above.

Regarding claim 28, the claimed limitations of claim 28 are accommodated in the discussions of claim 24 above.

Regarding claim 29, the claimed limitations of claim 29 are accommodated in the discussions of claim 25 above.

Regarding claim 30, the claimed limitations of claim 30 are accommodated in the discussions of claim 24 above.

Regarding claim 31, the claimed limitations of claim 31 are accommodated in the discussions of claim 25 above.

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CAR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

Art Unit: 2615

MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CAR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

6. Any inquiry concerning this communication or earlier communications from this examiner should be directed to Christopher Onuaku whose telephone number is (703) 308-7555. The examiner can normally be reached on Tuesday to Thursday from 7:30 am to 5:00 pm. The examiner can also be reached on alternate Monday.

If attempts to reach the examiner by telephone is unsuccessful, the examiner's supervisor, Andrew Christensen, can be reached on (703) 308-9644.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications intended for entry)

Art Unit: 2615

and (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application should be directed to Customer Service whose telephone number is (703) 306-0377.


COO

12/5/03


THA TRAN
PRIMARY EXAMINER